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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY RM DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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CARLOS DOLORES-RODRIGUEZ, )  
Petitioner, ) Civ. No. 05-0791GT  
v. ) Cr. No. 92-0933GT  
UNITED STATES OF AMERICA ) ORDER  
Respondent. )

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On December 15, 2005, Petitioner, Carlos Dolores-Rodriguez, submitted a Notice of Appeal, which requires a certificate of appealability. However, an appeal may not be taken unless this Court issues a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(1). In order to receive a Certificate of Appealability, Petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

After reviewing Petitioner's Notice of Appeal, the record in this case and the order denying Petitioner's Motion to Vacate, Set Aside or Modify Sentence pursuant to 28 U.S.C. § 2255, the

1 Court finds that the Petitioner has not made a substantial showing of a constitutional  
2 right. Accordingly,

3 **IT IS ORDERED** that this Court will not issue a certificate of appealability in this case.

4 **IT IS SO ORDERED.**

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7 Sept 6, 2002  
8 date

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GORDON THOMPSON, JR.  
United States District Judge

cc: AUSA Bruce Castetter

Petitioner